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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,271	07/11/2001	Hawley K. Rising III	020699-002500US	2025
8791	7590	01/19/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			VO, TUNG T	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,271

Applicant(s)

RISING ET AL.

Examiner

Tung Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-14 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) 6, 15 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14 and 16-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1, 10, and 19 filed 11/14/2005 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

2. The indicated allowability of claims 8, 9, 17, 18, 25 and 26 is withdrawn in view of the newly discovered reference(s) to Bergman et al. (US 6,564,263) and Krasinski (US 6,966,027). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-14, 16-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman et al. (US 6,564,263) in view of Krasinski (US 6,966,027).

Re claims 1-5, 7-14, 16-28, Bergman teaches in communication system (figs. 3 and 8), a method of optimizing MPEG-7 transmissions between a server and an one or more clients (figs. 1 and 2), a first ADL (application descriptive language) (col. 20, line 49- col. 23, line 53) which is a subset of MPEG-7 DDL (Description definition language) being translated into binary for

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communication to the first client (810 of fig. 8, Note translation (Modality) video to text, text to audio, and images to text; fig. 9), the method comprising: receiving, by the first client (103 of fig. 1), the binary communication of the ADL (figs. 11-15; and translating (1706 of fig. 17), by the first client, the binary communication into the first ADL (binary code, any compression method produce binary code that is 0 and 1), the binary communication being translated using decoding code book generated using a frequency table (transcoding using conventional decompression and compression technique in the frequency domain, DCT domain having a codebook) (see figure. 17); generating, by the server, the first ADL from the MPEG-7 DDL; the XSLT document; the frequency table for translating the first ADL into binary; downloading, by the first client, the frequency table and the XSLT, prior to receiving the binary communication (fig. 9; translation and compression); translating, by the server, the binary communication into the first ADL and the first ADL to the MPEG-7DDL and translating the MPEG-7 DDL into a second ADL different from the first ADL (fig. 4; Note the InfoPyramid of the present system preferably defines methods and/or criteria for generating, manipulating, transcoding and otherwise transforming the source multimedia content as desired, or as suitable for a particular target platform, device, or class of devices; see also fig. 9); wherein the compressed image that is the first ADL in binary communication is forwarded to the server (FIDELLITY, LOSSY COMPRESSION of fig. 9); translating the second ADL into binary communication for forwarding to the second client (figs. 17-18).

It is noted that Bergman does not particularly teaches an XSLT (XML style translation) document for translating MPEG-7 into the first ADL as claimed.

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However, Krasinski teaches an XSLT (XML style translation) document for translating MPEG-7 into the first ADL (fig. 1; cols. 1 and 2).

Therefore, taking the teachings of Bergman as a whole, it would have been obvious to one of ordinary skill in the art to modify the teaching of Krasinski into the method of Bergman for the same purpose of decoding the XML document of MPEG-7 into the suitable application format. Doing so would allow the XML receiver to begin processing an XML stream in mid-transmission.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kuln (US 2002/0157112 A1) discloses a method and apparatus for generating compact transcoding hints metadata.

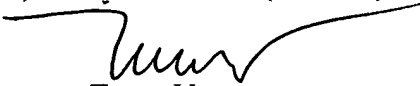
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tung Vo
Primary Examiner
Art Unit 2613